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Matthew Hale--American Martyr?

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- *Subject*: Matthew Hale--American Martyr?
- *From*: Michael Cook <praefectus313@yahoo.com>
- *Date*: Sat, 15 Dec 2007 15:30:44 -0800 (PST)
- *Domainkey-signature*: a=rsa-sha1; q=dns; c=nofws; s=s1024; d=yahoo.com; h=Received:Date:From:Subject:To:MIME-Version:Content-Type:Content-Transfer-Encoding:Message-ID; b=aFNgSjwwt0fRCylZBB/hvQeXE1C6hkQ82ybSf9wQu8Q3H6v+QKu43NuFoHKUSfJWV4VrI+TcnrezE2eX30+SgzfribSbVlZ0SnOAY1Tc4bS+llN7c4TFRJdythdfzFe+I7sIBRDewSRgcj5NpMWjtN0uAt8nUJzSq44mdGUDhTE=;

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Matthew Hale--American Martyr?

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Category: Political Cafe
Posted Thu Apr 07,2005 1:06 AM Last Edited: Mon Apr 11,2005 10:02 PM

(Chicago)(April 7) This is a difficult commentary to write. Matthew Hale is a thoroughly despicable human being. The self-styled "white supremacist" stands for everything I have lived my life against. As a University of Illinois student I went to Springfield to support "open housing" (Freedom of Residence). I worked for civil rights causes in college and through law school, and every year since then. I belong to a completely integrated, multicultural, multiethnic church. I condemn racial or ethnic hatred of any kind.

But as a lawyer I know the law often makes grave mistakes. I personally have been abused by corrupt judges and lawyers. Injustice happens every day, to the innocent and the guilty alike.

With each passing day America is moving further and further away from the democratic traditions which we espouse and broadcast to the world. We are adopting the totalitarian methods of our vilest adversaries. America is becoming a dictatorship where any person can be falsely accused, prosecuted into penury, and jailed for a "crime" he or she did not commit.

Even the guilty are entitled to due process. As Justice Stewart on the U.S. Supreme Court once wrote, "Even a thief is entitled to deny he is a burglar." Justice is served not only in protecting the innocent but also in meting out measured punishment to the guilty.

Matthew Hale's sentencing was a kangaroo court, a travesty of justice, a joke and a disgrace to America. But rather than fighting anti-Semitism and racism, the US. Government is in the process of creating yet another martyr--to racism and anti-Semitism.

I admire and respect U.S. Attorney Patrick Fitzgerald. He is as decent and honorable man as ever occupied his office for the Northern District of Illinois. But sometimes even decent human beings, honest and honorable people, can be blinded by their own sense of rectitude and revenge. That's where Contrarian Columnists come in.

Hale was accused of "soliciting the murder" of U. S. District Judge Joan Lefkow. We saw only a few weeks ago how mistaken society could be. Hale was suspected of being the orchestrator of the murder of Lefkow's husband and mother. Hale protested his innocence. He was innocent.

The punishment of Hale's parents, denying them visits with their son for a year because he protested his innocence of the Lefkow murders through them, is a disgrace to justice, worthy of the Soviet state

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during its worse abuses. Worthy of China today. A few weeks ago, a lawyer in New York was convicted of representing a vile client, who was also held incommunicado. Now America stoops to punish parents because they protested their son's innocence.

Hale protested his innocence again yesterday. But before we get to guilt or innocence, before we ask what a just punishment would be for Hale, we have to ask how any judge worthy of the name could allow someone who has been incarcerated as a caged rat for a year, could allow someone in that state of mind to rise and speak on his own behalf.

Even if the court was constrained to permit Hale to speak, the court failed to hear argument from an impartial attorney represented as amicus curiae to speak on behalf of justice itself. No one who has been caged and abused can reasonably be expected to be rational in a proceeding where his life is at stake. That's why we have lawyers. The legal profession and the law failed us today.

There was no basis to hold Hale incommunicado. He is a loathsome individual, a thoroughly devilish human being. But as the Seventh Circuit once wrote in a decision, "[A]lhough [he] might not win a popularity contest in this circuit?he still retains the same constitutional rights as every other defendant brought before this bar." In like fashion, Hale has been crucified, in all probability for a crime he did not commit. Injustice never extinguishes the flames; it only fans the fires. That will likely be the outcome with Hale.

His followers know Hale was framed, railroaded, set up by an FBI "informant." How many people have said, in the throes of angry divorce, "I wish I could kill my spouse?" People say "I'm going to kill you" every day. They are not being sent to jail for forty years. We don't imprison actual murderers that long.

We were told antiterrorism laws were being passed to combat foreign enemies, terrorists such as Osama Bin Laden; now they are being turned on us. Who's next? Patriot Act, anybody? Whatever Hale is, and he is not very much, he is not a terrorist.

Judge Moody, who sentenced Hale, wrote an epitaph for our judicial system. He said he said Hale's conduct "strikes at the very core of our system of government." No, sir, Judge Moody. Manufacturing crimes and prosecuting people for manufactured crimes strikes at our democracy. No, Judge Moody, your unprincipled sentencing of a bad man is what really strikes at the very core of our system of government, your imposing "antiterrorism" laws on a neighborhood lout is what strikes at the heart of our Constitution.

Sadly, Hale may be a victim when he should have been the vanquished. But in being made a victim by the divine majesty of the U. S. Department of Justice, Hale has become the ultimate victor. He has shown that what he claimed--though for the wrong reasons--was a corrupt society, is indeed a corrupt society, where the FBI can manufacture a crime, use a government-paid employee to orchestrate that crime, and then jail someone with a life sentence for a "crime" that the person never committed.

America today is in the business of making the innocent guilty. We are creating gulags all around the world, where we exterminate helpless prisoners, branding them as our perceived enemies, as though the mere act of branding was a sufficient basis to extinguish a life, or torture someone into oblivion. We absolve our perpetrators of these crimes, obstruct investigations, and kill a little bit of every American every time we tolerate such subhuman behavior by a nation that should a light unto all nations.

As someone who has devoted a major part of his life to justice and the judicial system, to fighting crooked judges, a corrupt legal system and the wholesale imposition of injustice on the innocent, I can attest that when we fail to protect the guilty, we endanger the innocent. Hale is a bad person, but in protecting his rights we protect our own.

We are all guilty of being complicitors as our heritage of Due Process is slowly eroded by the pious platitudes of the Bush administration. America is being diminished. We are too blind to see this happening, too timid to admit and face reality.

Today, Osama Bin Laden was also a big winner. He is a hater too. He won because our adversaries are not stupid; they can see what we do, how we preach justice and democracy and yet allow our courts to be controlled by political considerations. Our enemies know we have confined the innocent, abused the innocent, and even murdered the innocent, while frustrated that we cannot easily separate the guilty from the innocent. So we kill them all, abuse them all, disgrace us all.

Now, even China and Russia are emboldened to mock our history of civil rights and civility. And they're right. We do not have a monopoly on virtue.

Make no mistake, if Hale was guilty of the crime of which he was accused, I would be the first to send him away. If someone is a terrorist, I would be the first to seek harsh punishment, death if necessary. But Hale is not alone. Since 9/11 we have tortured and abused and falsely prosecuted or imprisoned thousands of people who were not guilty of the crimes with which they were charged, or who were not charged with any crime at all.

My experience has been that the judicial system is often capable of sorting out excessive punishments. I am hopeful that when cooler heads prevail, as they usually do on the 27th floor of the

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United States Courthouse, the American people will obtain justice. Hale may be worthy of some punishment, but not forty years in a gulag, not being held incommunicado, not for terrorism, not for a crime he probably did not commit. And not with his parents being harassed and abused by the Attorney General of the United States.

I am ashamed. Not because Hale is innocent. But because the process of justice has once again proven itself guilty.

Andy Martin is the nationally syndicated independent Contrarian Columnist for Out2.com and also serves as chief national and foreign correspondent for Out2.com. [Go to Out2.com, register a city, click on Govt & Politics.] He is a civil libertarian who has formed an exploratory committee to consider seeking the 2006 Illinois Republican Party gubernatorial nomination. He has served as an Adjunct Professor of Law and holds a Juris Doctor degree from the University of Illinois College of Law.

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